

SLA
MAR 07 2017

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAR 06 2017

H. CARVER

Megan Beaman (SBN 261539)
BEAMAN LAW
78060 Calle Estado
La Quinta, California 92253
T: (760) 698-9626
E: megan@beaman-law.com

Rahul Sethi (SBN 238405)
SETHI LAW FIRM
811 Wilshire Boulevard, Suite 1050
Los Angeles, California 90017
T: (213) 254-2454
E: rsethi@sethilawfirm.com

Attorneys for Plaintiff, HIBA LAI

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE - PALM SPRINGS COURTHOUSE

HIBA LAI,

Plaintiff,

vs.

COACHELLA VALLEY UNIFIED SCHOOL
DISTRICT, and DOES 1 through 20, Inclusive;

Defendants.

Case No.: **PSC1701196**

COMPLAINT

1. Gender Discrimination in Violation of Gov't Code § 12940(a)
2. Retaliation in Violation of Gov't Code § 12945.2(l)
3. Hostile Work Environment in Violation of Gov. Code § 12940(j)
4. Failure to Provide Reasonable Accommodation in Violation of Gov't Code § 12940(m)

DEMAND FOR JURY TRIAL

Plaintiff Hiba Lai hereby alleges the following facts:

PRELIMINARY FACTS

1. Plaintiff Hiba Lai ("Lai" or "Plaintiff") is, and at all relevant times mentioned herein, was an individual residing in Riverside County.

2. Defendant Coachella Valley Unified School District (“Defendant” and/or “District”) is, and at all relevant times mentioned herein was, a public school district formed under the laws of California, and operating in the Coachella Valley, Riverside County.

3. Plaintiff is ignorant of the true names and capacities of the Defendants sued as DOES 1 through 20, inclusive, and therefore sue said defendants by those fictitious names. Plaintiff will seek leave of court to amend this Complaint to allege their true names and capacities when they have been ascertained. Plaintiff is informed and believes and thereon alleges that each of these fictitiously named defendants is responsible in some manner for the unlawful actions, policies and practices alleged in this Complaint.

4. Plaintiff is informed and believes and thereon alleges that, at all relevant times mentioned herein, Defendants, and each of them, were the agents, servants, employees, partners, joint-venturers, joint-employers or co-conspirators of each other defendant, and that each defendant was acting within the course, scope and authority of such agency, employment, partnership, joint venture or conspiracy, and that each defendant, directly or indirectly, authorized, ratified and approved the acts of the remaining defendants, and each of them.

5. Jurisdiction is proper in the Riverside Superior Court because the acts and omissions alleged herein occurred in Riverside County and the amount in controversy exceeds the jurisdictional minimum.

GENERAL ALLEGATIONS

6. On or about May 28, 2015, the District interviewed Hiba Lai, a licensed clinical social worker, for a clinical therapist position at the District.

7. On or about early June 2015, the District offered Lai the clinical therapist position, with her work set to commence on August 3, 2015. District representatives told Lai that the one-year term on the contract was a formality and that despite that term, her employment would continue for years.

8. Lai accepted the District's offer and gave notice to her then-employer. Lai was excited about the opportunity at the District. Lai wanted to continue working to financially support

1 her husband and her family.

2 9. On or about July 13, 2015, Lai learned for the first time that she was pregnant.

3 10. On her first day of work, the District became aware Lai was pregnant. First, Linda
4 Smith ("Smith") Lai's boss, told her "you're pregnant!" Lai confirmed she was pregnant and
5 informed Linda that Lai would need minor temporary accommodations.

6 11. On or about August 14, 2015 Lai presented to the District a doctor's note limiting
7 her to seven hours of work per day. Thereafter, Lai periodically presented the District with
8 appropriate medical certification for renewal of this accommodation as well as new accommodations
9 and/or leave ordered by her doctor.

10 12. Smith ultimately was upset of Lai's pregnancy. Over the next several months, Linda
11 indicated her displeasure with the pregnancy in her words and actions, including without limitation:
12 commenting on the amounts of food Lai was eating; telling Lai not to ask for accommodations;
13 telling Lai not to talk of her pregnancy; indicating that she hoped Lai would be a different person
14 after her pregnancy was over; telling Lai she was not counting on Lai to come back to work after her
15 pregnancy leave; and telling Lai not to complain about her pregnancy. Lai did continue to request
16 accommodations and Linda denied them, was rude to Lai and made negative facial expressions.

17 13. Smith further attempted to create a reason to terminate Lai by inquiring into
18 confidential and privileged information about Lai's patients in an effort to get Lai to improperly
19 disclose such information.

20 14. The District also gave Lai warnings for being occasionally 5 to 10 minutes late. The
21 District did not give the same such warnings to other clinicians who were not pregnant.

22 15. Lai complained about Linda's conduct to Jazmine in Human Resources. Jazmine
23 ignored Lai's complaints and, to Lai's knowledge, did nothing to address them.

24 16. Linda continued to harass Lai, screaming at her occasionally. Smith's conduct took
25 its toll, affecting Lai's pregnancy and health. As a result, and at her doctor's orders, Lai took early
26 medical leave away from work in prior to her due date to try to minimize the impact of the abuse on
27 her health and baby.
28

17. On or about February 21, 2016, Lai delivered her baby. Following delivery, her doctor issued several orders to keep her off work due to her post-delivery condition, which she delivered to the District as she received them. She remained off work following delivery and due to pregnancy disability through the end of the 2015-2016 school year, which ended in approximately June 2015.

18. Lai recuperated and was ready to return to work without restrictions for the 2016-2017 school year, which began approximately August 2, 2016.

19. On August 2, 2016, Lai showed up to begin the new school year, without restrictions. That day, the District told Lai she had been discharged.

20. Lai has exhausted her administrative remedies by timely filing a complaint of discrimination with the Department of Fair Employment & Housing and obtaining a Right-to-Sue letter.

FIRST CAUSE OF ACTION

Gender Discrimination in Violation of Gov't Code § 12940(a)
(Against the District)

21. Plaintiff re-alleges and incorporates by reference each and every allegation of the preceding paragraphs as though fully set forth herein.

22. Defendant was an employer and covered entity within the meaning of California's Fair Employment & Housing Act. Defendant employed Plaintiff. Defendant terminated Plaintiff's employment and/or failed to renew Plaintiff's contract substantially because of her gender and/or pregnancy. Accordingly, Defendant violated public policy stated in California Fair Employment & Housing Act.

23. As a direct and proximate result, Plaintiff was harmed; she has been humiliated, she suffered emotional pain and distress, mental anguish, loss of enjoyment of life and she suffered economic damages.

24. Plaintiff seeks compensatory damages in an amount to be proven at trial, but in an

1 amount no less than the jurisdictional minimum. Pursuant to Government Code § 12965(b),
2 Plaintiff seeks and award of attorneys' fees and costs.

3
4 **SECOND CAUSE OF ACTION**

5 Retaliation in Violation of Gov't Code § 12945.2(l)
6 (Against All Defendants)

7 25. Plaintiff re-alleges and incorporates by reference each and every allegation of each
8 preceding paragraph as though fully set forth herein.

9 26. The California Family Rights Act, Government Code § 12945.2 applied to
10 Defendant. Pursuant to Government Code § 12945.2 *et seq.*, Plaintiff was eligible for medical leave.
11 Plaintiff took protected medical leave. Defendant terminated Plaintiff's employment and/or failed
12 to renew Plaintiff's contract substantially because of her gender and/or pregnancy. Accordingly,
13 Defendant violated public policy stated in California Fair Employment & Housing Act.

14 27. Plaintiff's taking protected medical leave was a substantial motivating reason for
15 Defendants' adverse employment actions against Plaintiff, including termination and/or failing to
16 renew her contract.

17 28. As a direct and proximate result, Plaintiff was harmed; she has been humiliated,
18 suffered emotional pain and distress, mental anguish, loss of enjoyment of life and she suffered
19 economic damages.

20 29. Plaintiff seeks compensatory damages in an amount to be proven at trial, but in an
21 amount no less than the jurisdictional minimum. Pursuant to Government Code § 12965(b),
22 Plaintiff seeks and award of attorneys fees and costs.

23 **THIRD CAUSE OF ACTION**

24 Hostile Work Environment in Violation of Gov. Code § 12940(j)
25 (Against all Defendants)

26 30. Plaintiff re-alleges and incorporates hereby by reference each and every preceding
27 paragraph as though fully set forth herein.

28 31. Plaintiff was subjected to unwanted harassing conduct by her superiors and co-

1 workers because she is a woman and/or was pregnant. The harassing conduct was severe or
2 pervasive. A reasonable woman in the same circumstances would have considered the work
3 environment to be hostile or abusive. Plaintiff considered the work environment to be hostile or
4 abusive.

5 32. Defendant was aware or should have been aware of the harassment. A supervisor
6 conducted much of the harassment.

7 33. As a direct and proximate result, Plaintiff was harmed; she has been humiliated,
8 suffered emotional pain and distress, mental anguish, loss of enjoyment of life and she suffered
9 economic damages.

10 34. Plaintiff seeks compensatory damages in an amount to be proven at trial, but in an
11 amount no less than the jurisdictional minimum. Pursuant to Government Code § 12965(b),
12 Plaintiff seeks and award of attorneys fees and costs.

13
14 FOURTH CAUSE OF ACTION

15 Failure to Provide Reasonable Accommodation in Violation of Gov't Code § 12940(m)
16 (Against all Defendants)

17 35. Plaintiff re-alleges and incorporates hereby by reference each and every preceding
18 paragraph as though fully set forth herein.

19 36. Defendant failed to provide reasonable accommodation for Plaintiff's pregnancy
20 related conditions that limited Plaintiff's major life activities, including, but not limited to, working.

21 37. As a direct and proximate result, Plaintiff was harmed; she has been humiliated,
22 suffered emotional pain and distress, mental anguish, loss of enjoyment of life and economic
23 damages.

24 38. Plaintiff seeks compensatory damages in an amount to be proven at trial, but in an
25 amount no less than the jurisdictional minimum. Pursuant to Government Code § 12965(b),
26 Plaintiff seeks and award of attorneys fees and costs.

1 PRAYER FOR RELIEF

2 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- 3 1. For compensatory damages, including prejudgment interest, in an amount to be
4 proven at trial.
- 5 2. For statutory attorneys fees and costs pursuant to Government Code § 12965(b).
- 6 3. For declaratory relief that Defendant violated California's Fair Employment and
7 Housing Act.
- 8 4. For injunctive relief prohibiting Defendant from continuing to violate California's
9 Fair Employment and Housing Act.
- 10 5. Any other relief or damages allowed by law, or statutes not set out above and such
11 further relief as the Court deems just and proper at conclusion of trial.

12
13 Dated: March 2, 2017

BEAMAN LAW
SETHI LAW FIRM

14
15
16 By

Rahul Sethi

Megan Beaman

Attorneys for Plaintiff, HIBA LAI

17
18
19
20 DEMAND FOR JURY TRIAL

21 Plaintiff Hiba Lai hereby demands a trial by jury in this action.

22
23 Dated: March 2, 2017

BEAMAN LAW
SETHI LAW FIRM

24
25
26 By

Rahul Sethi

Megan Beaman

Attorneys for Plaintiff, HIBA LAI

1. Check one box below for the case type that best describes this case:

<p>Auto Tort</p> <p><input type="checkbox"/> Auto (22)</p> <p><input type="checkbox"/> Uninsured motorist (46)</p> <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PI/PD/WD (23)</p> <p>Non-PI/PD/WD (Other) Tort</p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other Non-PI/PD/WD tort (35)</p> <p>Employment</p> <p><input checked="" type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (15)</p>	<p>Contract</p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p>Real Property</p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p>Unlawful Detainer</p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p>Judicial Review</p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p>	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)</p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p>Enforcement of Judgment</p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p>Miscellaneous Civil Complaint</p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (<i>not specified above</i>) (42)</p> <p>Miscellaneous Civil Petition</p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input type="checkbox"/> Other petition (<i>not specified above</i>) (43)</p>
--	---	---

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): 4

5. This case ^N☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form, CM-015.)

Date: March 2, 2017

Rahul Sethi

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36) Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition